THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 20108 OF 2007

Dated 28th September, 2007

Between:

K.Venkataramanaiah

…Petitioner.

And

The Sub-Registrar, Srikalahasti,
Chittoor District and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a declaration that the action of the first respondent in not entertaining the sale-deeds submitted by the petitioner for registration in respect of the lands admeasuring Ac.4.50 cents covered by Survey No.3-2A, 3-2D, 3-3A, and 3-2B, situated at Chintalapalem village, Yerpedu Mandal, Chittoor District as illegal and arbitrary.

It is the case of the petitioner that the above said land admeasuring Ac.4.50 cents was originally assigned in favour of one N.Ratnamma, resident of Chintalapalem village. The said assignee obtained loan from the Primary Agricultural Cooperative Society, Yerpedu by mortgaging the assigned land and when the loan amount was not repaid by the assignee, the land was auctioned BY THE primary Agricultural Cooperative Society, Yerpedu, wherein the petitioner became the highest bidder and was issued the sale certificate on 2.3.2007 by the Special Cadre Deputy Registrar and by virtue of the said sale, he became the owner of the said land. It is the grievance of the petitioner that in view of his financial necessities, when he intends to sell the said property, the first respondent is not accepting the sale-deeds for registration based on the letter addressed by the second respondent not to entertain registration inasmuch as the said land was assigned land.

Though no counter affidavit is filed, on instructions, it is submitted by the learned Government Pleader appearing for the respondents that the said land was assigned land and was auctioned by the 3rd respondent –Cooperative Central Bank when the lonee has not repaid the loan amount.

The issue as to whether the prohibition contained under

Section 5 of the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 applies to the lands, which were brought to sale by a Co-operative Society, mentioned in Section 6 of the Act, for redemption of mortgage made in its favour fell for consideration by this Court in Writ Petition Nos. 14743 and 14750 of 2007 and this court after interpretation of the relevant provisions, by common order dated 26.7.2007 held that the assigned land transferred by way of mortgage in favour of a Cooperative Society and sold it, looses the character of assigned land and the exemption contemplated under Section 6 of the Act is available to the purchasers from the society.

In view of the ratio laid down by this court in Writ Petition Nos. 14743 and 14750 of 2007, I dispose of the writ petition directing the respondents to accept the documents proposed to be submitted by the petitioner for sale of the land to an extent of Ac.4.50 cents covered by Survey Nos. 3-2A, 3-2D, 3-3A, 3-2B, situated at Chintalapalem village, Yerpedu Mandal, Chittoor District and consider for registration without any objection that the said land is an assigned land. However, such consideration and registration shall be subject to compliance of the provisions of the Indian Stamp Act and the Registration Act.

Subject to above direction, the writ petition is disposed of. No costs.

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28-9-2007 **R.SUBHASH REDDY, J.**
VR

Note:
Issue cc within four days.
(BO)
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